



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D. C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,524	04/23/2001	Wen-Tsao Lee		4634

28639 7590 03/14/2003

WEN-TSAO LEE  
NO. 10-17, SHIAUFENLIN  
DALIN TSUEN, BEI PU  
HSINCHU, 314  
TAIWAN

EXAMINER

SANTIAGO, MARICELI

ART UNIT PAPER NUMBER

2879

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,524

Applicant(s)

LEE, WEN-TSAO

Examiner

Mariceli Santiago

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following reasons:

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

In Page 4, Paragraph [0017] and [0024], Figs. 2-9 and 16-17, are grouped in the brief description of the drawings, it is required that each Figure number be separately present in the brief description. Grouping of the figures is appropriate when considering several parts of the same figure, i.e., such in the case of having Figs. 1a, 1b, 1c, etc. See MPEP 608.01(f). Appropriate correction is required.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### ***Claim Objections***

Claims 1-22 are objected to because of the following informalities:

The claims contain unclear and inexact words and grammatical errors. Following are some examples where the claims provide such errors, the Examiner notes that these are general examples and not all the errors in the claims are indicated.

Claims 2, 5, 7, 10 and 13-19, line 1, "said the", the phrase "said the" comprises redundant terms, it should read either said or the, but not the combination of both.

Claims 3, 6 and 8, line 1, "wherein further comprising" the phrase is considered to have multiple redundant terms, a possible alternative could read as "further comprising".

Claim 3, lines 1-2, "multiple plural number tubes", the term "plural" is considered redundant since it is preceded by the term multiple.

Claim 11, line 1, "wherein said further comprising multiple plural" the phrase is considered to have multiple redundant words, a possible alternative could read as "further comprising multiple".

The Examiner notes the use of capitalized articles within the body of claims 1, 4 and 9, however, such terms should not be capitalized. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-22 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Art Unit: 2879

The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patents cited.

Following are some examples where the claims fail to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The Applicant is notified that the following are examples of the general problems found within the claims.

**In claims 1, 4 and 9:**

Line 3, "and plural cathode, which are fixed on the two pair electrodes and connected to the both sides of the first tube, respectively", the Examiner notes that a lamp comprises the commonly known elements referred to as a cathode and an anode, or a pair of electrodes, located at both ends of the lamp tube. Plural cathode fixed on two pair of electrodes is not an accepted terminology in the art, since a positive and a negative electrode are required for a discharge within the tube to occur.

Line 3, "the two pair of electrodes", there is insufficient antecedent basis for this limitation in the claim.

Lines 7-8, "by isolating, perforating and blocking the discharge path, forming a successive discharge path", it is not clear what the recitation states, if the successive discharge path is constructed between the plurality of tubes, or along one single tube. Furthermore, in spite of the fact that a product-by-process claim may recite only process limitations, it is the product and not the recited process that is covered by the claim.

Line 8, "the discharge chamber", there is insufficient antecedent basis for this limitation in the claim.

Line 9, the term "little" is a relative term which renders the claim indefinite. The term "little" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. There is no clear indication of how "little" the amount of Hg should be.

**In claim 2:**

Lines 1-3, the recitation "the discharge path is constructed of the isolator which located nearby the middle of the first tube, the through-hole which located nearby both ends of the first tube", it is unclear what is been claimed.

Line 2, "the isolator", there is insufficient antecedent basis for this limitation in the claim.

Line 3, "the through-hole", there is insufficient antecedent basis for this limitation in the claim.

Line 5 recites the limitation "a successive discharge path", this limitation renders the claim indefinite, since where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989). "A successive discharge path" has been previously claimed in claim 1, lines 7-8.

**In claims 3, 8 and 11:**

Line 2, N (N=even)", the claims are objected to because it includes essential subject matter enclosed within parentheses. While reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses, so as to avoid confusion with other numbers or characters which may appear in the claims, essential subject matter should not be enclosed within parentheses since references enclosed within parentheses do not constitute a limitation. See MPEP § 608.01(m).

**In claim 11:**

Line 4, the claim comprises more than one (1) single sentence. To conform with U.S. practice each claim should begin with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). MPEP 608.01 (m).

In regards to claims 13, 17, 21 and 22, the Examiner notes that the subject matter in the claims is written with indefinite and functional or operational language as to make it unclear to understand what is been claimed.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

***Conclusion***

The Examiner notes that due to the outstanding objection to claims and rejection of the claims under 35 U.S.C. 112, second paragraph, no determination of patentability with regards to prior art can be made at this time.

***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Osteen, in Us 4,839,565, discloses a discharge lamp comprising a first inner tube (52) and a second outer tube (26) being substantially larger than the first inner tube (52), a pair of spaced apart electrode (32, 40) fixed to the respective ends of the first inner tube, wherein the tubes are constructed of different coaxial caliber, the discharge lamp comprising a discharge space in a vacuum state and including Hg, a successive discharge path is created by a combination of venting ports openings (56) and support means (54) between the first inner tube (26) and the second outer tube (52).

Dobrusskin et al., in US 4,490,642, discloses a multi-tube discharge lamp comprising a first inner tube and a second outer tube, a pair of spaced apart electrode fixed to the respective ends of the first inner tube, and the discharge lamp comprising a discharge space in a vacuum state and including Hg.

K. Wiegand, in US 2,116,720, discloses a multi-tube discharge lamp comprising a first inner tube, a second intermediate tube and a third outer tube, a pair of spaced apart electrode fixed to the respective ends of the first inner tube, and the discharge lamp comprising a discharge space in a vacuum state and including Hg.



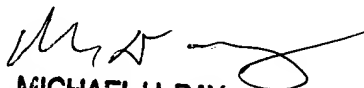
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (703) 305-1083. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382. Additionally, the following fax phone numbers can be used during the prosecution of this application (703) 872-9318 (for response before a Final Action) and (703) 872-9319 (for response after a Final Action).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*(Mts) 3/10/03*  
Mariceli Santiago  
Patent Examiner  
Art Unit 2879

  
MICHAEL H. DAY  
PRIMARY EXAMINER